

BACKGROUND:

The applicant is proposing a General Plan Amendment (GPA) to change the site's Official Land Use District (OLUD) from Multiple-Family Residential - 7,000 S.F. per unit (7m-RM) to Single Residential (RS). A Tentative Tract application (TT 16337) is concurrently filed for the development of a twenty-four (24) lot single family residential subdivision. The proposed lots all exceed the RS minimum lot standards of 7,200 sq. ft. The project is located on a 5.39 acre parcel on the north side of Yucca Avenue, approximately 310 feet east of Live Oak Avenue and 150 feet west of Hemlock Avenue. It lies wholly within the City of Fontana sphere of influence area, and is located less than a ¼ mile south of the Fontana City limits. The site is relatively flat, with less than a 3% cross slope falling from the Northeast to the Southwest boundaries. It is currently a vacant in-fill lot that is fully disturbed by previous grading and fire hazard abatement activities, and as such, is devoid of any significant flora or fauna.

ANALYSIS:

This site lies adjacent to a strip of commercial properties that face Foothill Boulevard to the North. The General Plan designates Foothill Blvd as a major transportation corridor. Since Foothill Boulevard is a major transit corridor, with existing mass transit service, the County's development guidelines, included in the General Plan's Housing Section, dictate that higher density residential uses should be located adjacent to transit corridors for ease of public use. Many areas, including this site, that abut such commercial strips, were also specifically designated for RM land uses in the General Plan. The higher intensity multiple residential designation creates a natural buffer between the highway commercial designations to the North and the less intensive single residential land use designations to the South.

The County General Plan encourages provision of a variety of housing opportunities in price ranges that could be considered affordable for all segments of the population by developing and maintaining the balance of its single-and multi-family residential land use districts. In the analysis of its housing demands, the General Plan recognizes that this housing supply must also be affordable, varied and conveniently located throughout the County in order to meet all segments of its ever-increasing population. Since some economic groups simply cannot afford to enter the housing market by purchasing a conventional single-family home, other land areas must be preserved for future implementation of alternative multi-family residential projects to maintain the balance of housing affordability for all population segments. These concepts are thoroughly addressed in the action-programs included within the General Plan's Section II (Planning Issues—Housing Demographics / GP Policy HE-7). For this balance of housing to be maintained, the existing levels of lands available for such development as multi-family housing must be preserved, even if their development does not occur for years to come.

Therefore, the current designation of RM is appropriate in this location. An RM type of development would support the General Plan's policy intent for the provision of better transit service to residents of multi-family developments (traditionally, lower income households) by affording easy access to all forms of public transportation. General Plan Policy HE-11 (g) sets this as a location criteria for determining the appropriate use of RM District lands. Proposing an RS (Single Residential) District for this site would be in direct conflict with the goals and policies of the County General Plan. An undesirable "spot zone" would be created with the implementation of the proposed change in land use to allow for a single-family residential tract that would be surrounded by RM land use districts.

The proposed tract has double frontage lots on the southern half of the development (Lots 15 thru 24) with the rear of the lots fronting on Yucca Avenue. A six foot (6'-0") high decorative wall with landscaping is proposed by the developer at the rear of these lots. To prevent graffiti from occurring at this wall's street side surface, the developer has proposed a wall design incorporating pilasters of a concrete block with river rock surface combined with prefabricated wrought iron panels with creeping

ivy foliage. The balance of the site's perimeter would also have a solid 6' concrete block wall with a portion at the northwest property line wall being increased in height (to 10' then stepping down to 6' high, as proposed by Major Variance). This is required to buffer the residential uses from the existing, but highly incompatible, adult bookstore use (APN 2312-081-02) to the north, adjacent to proposed lots #4, 5 and 6.

A five-foot (5') wide drainage easement would be required between lots 4 & 5, and then again, between lots 11 and 12, to drain on-site flows from north to the proposed street (Joshua Tree Court). The proposed street's cul-de-sac design was modified to allow for wider frontages for lots 13 thru 16. The bulk of the existing trees to be kept with the new proposal are located toward this end of the street.

FINDINGS – General Plan Amendment (GPA):

Pursuant to the County Development Code (§ 83.020110), prior to approving or recommending approval of a General Plan land use district change, the Planning Agency must determine that all of the required findings can be made in the affirmative. Per the discussion provided above, Staff cannot find that all of the following findings are true:

- (a) The proposed land use district change does not provide any advantages to the general public, as there are no amenities or public areas proposed for general public use. There will not be a community-wide benefit because single family residential properties would only serve a small sector of the population that can purchase such lots. The permanent loss of multi-family residential land creates an adverse impact to the community. Adequate service level projections were performed for this area by the regional mass transit systems utilizing the existing multiple residential land use areas as a factor in providing their service lines. Therefore, public transit in the existing transportation corridor (Foothill Blvd.) will be underutilized by the proposed single family residential uses. By depleting multiple residential lands that, when developed, would provide a natural buffer from the highway commercial properties to the North, this proposed residential tract (as well as the existing and permitted single family residential uses to the South) will be further exposed to significant adverse impacts normally associated with commercial density land uses.
- (b) The proposed land use district change is not consistent with the goals and policies of the General Plan. As noted above, the proposed GPA would conflict with the General Plan goals & policies to encourage or create a natural buffer of higher density development between existing commercial and single family residential uses. The proposed GPA designation of RS will not provide a reasonable and logical extension of the existing land use patterns in the surrounding area, as the area denoted to make up the minimum land use district size would create an odd-shaped district completely surrounded by multiple-residential land uses parcels.
- (c) The proposed land use district change conflicts with provisions of the General Plan (Housing Element Policies HE-11) in that it will create adverse impacts to regional housing patterns that will not be offset by any benefits a single-family residential tract might provide.
- (d) The proposed land use district change will have a substantial adverse effect on surrounding property, as it requires certain off-site properties to revert back to single residential to make up the District minimum of 10 acres. This permanent change will delete any opportunity for the expansion of much-needed multi-family housing stock.

FINDINGS – Tentative Tract:

- (c) Pursuant to the County Development Code [§ 83.040110 (c)], prior to approving or recommending approval of a Tentative Tract Map, the Planning Agency must determine that all of the required findings can be made in the affirmative. Per the discussion provided above, Staff cannot find that all of the following findings are true:
- (1) The proposed subdivision, together with the provisions for its design and improvements, is not consistent with the General Plan, as noted in the discussion provided in the Analysis section of this report. Therefore, this finding cannot be made in the affirmative.
 - (2) The site is currently suitable for multiple residential development to provide a buffer between the commercial properties to the North and the single-family residential areas to the South. However, the proposed single-family type of residential development is not consistent with acceptable planning practices for providing a buffering land use between highly intensive commercial areas and the much less intensive residential development types.
 - (3) The designs of the subdivision or its proposed improvements are not likely to cause substantial environmental damage or avoidably injure fish or wildlife or their habitat.
 - (4) The design of the subdivision requires all lots abutting the northern property line to be in close proximity to the rear service area portions of the commercial properties directly to the north. The future residents of these northern lots will come in close contact with the commercial trash enclosures and waste disposal collection areas typically located in the rear portions of these commercial properties. All of the commercial properties to the north naturally drain to the south, with many historically having ponding of residue and water at the rear of their lots. Persistent contact with the refuse residues and the odors inherent with these commercial refuse containers may cause public health problems that cannot be mitigated, as they are existing, off-site factors.
 - (5) The design of the subdivision or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
 - (6) The design of the subdivision does provide to the extent feasible, passive or natural heating and cooling opportunities, though no such systems are specifically proposed at this time.
 - (7) By changing the General Plan land use designation, the proposed subdivision, its design, density and type of development and improvements would conform to the regulations of the Development Code. However, they would not conform to the goals, policies, mandates or regulations of the State of California. The State of California has mandated that all County and City Agencies maintain a certain level of lands within their jurisdiction that are suitable for multiple-family residential types of development. The State has mandated that these lands must be kept available for multi-family development in order to maintain the critical balance of all types of residential housing stock. Approving this proposal would eliminate viable lands set aside for multi-family housing, as designated by the General Plan. This permanent change would thereby decrease the multi-family housing stock adversely impacting that balance.

FINDINGS:

Pursuant to the County Development Code [§ 83.030905 (f)], prior to approving a request for a Major Variance, the reviewing authority shall find that the following findings are true. Staff cannot make all of the following findings in the affirmative:

1. The granting of such variance may be materially detrimental to other properties or land uses in the area because the proposed conversion of RM District lands to RS may ultimately impact the selling price of the lots by decreasing their market value. The project does not propose any design elements that are inherently known to substantially interfere with the present or future ability to use solar energy systems.
2. There are no exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity, because neighboring sites have been suitably developed without the need for special dispensations being granted by the County.
3. The strict application of the land use district does not deprive such property of privileges enjoyed by other properties in the vicinity or in the same land use district. The site, as currently zoned (7M-RM), can be developed as a multi-family residential project without the need for a general Plan Amendment, or other special dispensation. There are many other lands throughout the region that are also designated 7M-RM that have been suitably developed without the need for additional development privileges.
4. The granting of the variance is not compatible with the objectives, policies, general land uses and programs specified in the County General Plan, as noted in the above items. If the adjacent land uses were found to be compatible, no land use conflict would occur such as the one proposed between the single-family residential use and the existing adult bookstore immediately to the north. Therefore, the need for a Major Variance to allow for taller perimeter screen wall that exceeds the maximum County standards of 6' in height in this area would not be necessary.

RECOMMENDATION: That the Planning Commission -

- A) **DENY** General Plan Land Use District Amendment W149-84/02, from Multiple Residential 7,000 SF per unit (7M-RM) to Single Residential (RS); and,
- B) **DENY** Tentative Tract Map 16337, to create 24 lots on 5.39 acres; and,
- C) **DENY** Major Variance (W149-84/02), to exceed the wall height maximum of six feet (6'-0"); and,
- D) **RECOMMEND DENIAL** of General Plan Land Use District Amendment W149-84/02 to the Board of Supervisors.